



Paper No. 11

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OCT 21 2002

OFFICE OF PETITIONS

In re Application of :
J. Aaron Bly, David T. Spieldenner, :
Aaron Roth, Patrick O'Brien, :
Andrew F. Suhy, Jr., and :
Brent Parent :
Application No. 09/990,911 :
Filed: November 14, 2001 :
Title: System and Method for :
Disposing of Assets :

DECISION REFUSING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the "Response to Decision Refusing Status under 37 CFR 1.47(a)," filed by facsimile transmission on October 11, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiency. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(a)," and should only address the deficiency noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on November 14, 2001, without an executed oath or declaration. J. Aaron Bly, David Spieldenner, Aaron Roth, Patrick O'Brien, Andrew Suhy, Jr., and Brent Parent were named as joint inventors. In reply to the "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," mailed December 6, 2001, applicants timely filed the initial petition under §1.47. The petition was dismissed for failure to provide proof that non-signing inventors Suhy and Parent refused to sign the Declaration after having been presented with the application papers and because the declaration was not in compliance with 35 U.S.C. § 115 and 37 CFR § 1.63 (Decision mailed May 31, 2002).

A request for reconsideration was filed on September 3, 2002. However, this renewed petition was dismissed for failure to submit an acceptable declaration. The declaration submitted contained non-dated/non-initialed alterations as to the information for inventor Suhy (Decision mailed September 30, 2002). On instant renewed petition, timely filed, petitioner submitted another declaration. A review of this declaration reveals that it also is not acceptable. Petitioner cured the deficiency as to the alterations. However, petitioner then omitted the citizenship information for both inventors Suhy and

Parent. This information is required by statute, pursuant to 35 U.S.C. § 115, and thus, cannot be waived.

An acceptable declaration in compliance with 35 U.S.C. § 115 and 37 CFR § 1.63 is still required.

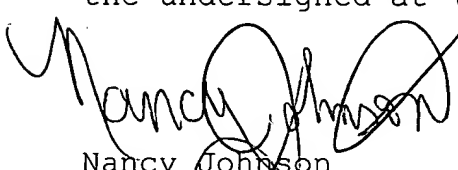
Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.



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